REMARKS

The Examiner's Action mailed on July 17, 2006, has been received and its contents carefully considered. Additionally attached to this Amendment is a Petition for a One-month Extension of Time, extending the period for response to November 17, 2006.

In this Amendment, Applicants have amended claims 1 and 2. Claims 3, 4, 6, 8, 9 and 11-22 are currently withdrawn from consideration and claims 1, 2, 5, 7 and 10 remain pending and under consideration in the application, of which claims 1 and 2 are independent claims. For at least the following reasons, it is submitted that this application is in condition for allowance.

The drawings were objected to for not showing the "ball screw nut disposed inside the vehicle body-side tube" and the "motor connected inside or outside the axle-side tube" as recited in claim 2. It is respectfully requested that this objection be withdrawn.

FIG. 1 shows the axle-side tube at reference numeral **2**, the body-side tube at reference numeral **1**, the ball screw nut at reference numeral **3**, and the motor at reference letter **M**. As element **3** is shown located inside element **1**, therefore the "ball screw nut disposed inside the vehicle body-side tube" is in fact shown in the drawings. The reference numerals in FIG. 1 are identified, for example, in ¶[0059] of the specification:

> An electromagnetic shock absorber for a vehicle of a first embodiment according to the present invention comprises, as shown in Fig. 1, *an outer tube **2** that is a vehicle axle-side tube, an inner tube **1** that is a vehicle body-side tube* that is slidably inserted inside the outer tube **2** through bearing members **9**, **10**, a connecting pipe **5** connected co-axially inside the outer tube **2**, a motor "**M**" connected to an upper end of the inner tube **1** and having electrodes that are is short-circuited, *a ball screw nut **3*** connected to an upper end of the connecting pipe **5**, a screw shaft **4** connected to a motor shaft "**MS**" of the motor "**M**" inside a frame **32** of the motor "**M**", a lower suspension spring receiver **6** secured to a peripheral side face of the outer tube **2**, a vehicle mounting portion "**T**" equipped with an upper suspension spring receiver **7** attached through a nut **19** to a shaft **13** disposed above the motor "**M**", and a suspension spring **8** interposed between the upper suspension spring receiver **7** and the lower suspension spring receiver **6**, which is constructed to be a strut type as shown in Fig. 1.
>
> (*emphasis added*)

Claim 2 has been amended to delete the phrase "connected inside or outside the axle-side tube". A similar change has been made to claim 1.

Claims 1, 5, 7 and 10 were rejected under 35 USC §102(b) as anticipated by *Davis et al.* (US 5,060,959) and claim 2 was rejected under 35 USC §103(a) as obvious solely over *Davis et al.* These rejections are respectfully traversed.

The electromagnetic shock absorber of this invention provides, for example, a vehicle body-side tube **2**, and a vehicle axle-side tube **1** slidably inserted inside or outside the vehicle body-side tube **2**.

According to this structure, even when the bending force is exerted on the electromagnetic shock absorber for the vehicle, inclination of the axle-side tube toward the vehicle body-side tube is prevented. As a result, the central axis of the ball screw nut does not deviate from the central axis of the screw shaft, avoiding

damage to the ball screw nut and the screw shaft of the vehicle electromagnetic shock absorber.

In addition, since the suspension spring receivers **6**, **7** are provided in the electromagnetic shock absorber, a suspension spring can be attached to the electromagnetic shock absorber. Accordingly, when inserted between the vehicle body and the vehicle axle, it works as a shock absorber and can be applied to various vehicles.

Accordingly, an electromagnetic shock absorber without use of oil can be applied to a vehicle based upon using electromagnetic force as the damping force due to the above-described effects.

However *Davis et al.* does not disclose the above structure. The upper housing (body-side tube) **62** is not slidably inserted to the piston (axle-side tube) **60**, or vice a versa, so it is impossible to prevent inclination of the tube **62** to the tube **60** which will of course lead to damage of the ball screw nut and the screw shaft.

Davis et al. also does not disclose anything corresponding to the suspension spring receivers of the present invention.

Consequently, *Davis et al.* fails to teach or suggest either "a vehicle axle-side tube slidably inserted inside or outside the vehicle body-side tube" or "an upper suspension spring receiver attached to the vehicle body-side tube; a lower

suspension spring receiver attached to the vehicle axle-side tube" as recited in claims 1 and 2.

The Office Action fails to note any particular spatial arrangement of piston **60** with respect to upper housing **62** in *Davis et al.*, but these parts do not overlap in the drawings (for example FIG. 2 of *Davis et al.*), so there is no evidence that one is "slidably inserted inside" the other.

Further, no specific structure corresponding to either the "upper suspension spring receiver" or the "lower suspension spring receiver" is identified in the Office Action.

With respect to the obviousness rejection of claim 2, this is based on the axle side and the body side being interchanged in claim 2 relative to claim 1. This point is moot, given the demonstrated deficiencies of *Davis et al.* with respect to the above-noted features recited in both independent claims.

Claims 1 and 2 therefore patentably define over *Davis et al.* and are allowable, as are claims 5, 7 and 10 that depend therefrom.

It is submitted that this application is in condition for allowance. Such action and the passing of this case to issue are requested.

Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Should any fee be required, however, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and advise us accordingly.

Respectfully submitted,

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Date

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